THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date: 05-02-2007

WRIT PETITION No. 26239 OF 2006

BETWEEN:

Sattu Santhi Kiran

...Petitioner

And

The State of Andhra Pradesh rep.by its Principal Secretary to Home Department, Secretariat, Saifabad, Hyderabad and others.

...Respondents

ORDER:

The Petitioner seeks a writ of mandamus declaring the action of the Sub Inspector of Police, Gannavaram Police Station, Krishna District in insisting the petitioner to see that the promissory notes and cheques issued by 4th respondent to his creditors are returned to him as illegal, arbitrary and without jurisdiction and violative of the provisions of Code of Criminal Procedure and direct the respondents not to interfere in any manner with his life and liberty.

It is stated that the third respondent is illegally interfering with the civil disputes raised by and at the instance of the 4th respondent on his written representation alleging that the petitioner has obtained blank promissory notes and cheques from the 4th respondent and return the same to him, though he did not obtain any documents from the 4th respondent.

A counter has been filed by the third respondent stating that on a complaint filed by one Kemisetty Nagabhushanam against the petitioner and others for the offence punishable under Sections 457 and 380 of the Indian Penal Code, alleging that the petitioner and his staff on 8-10-2006 had committed theft of his laptop

by opening his room with a spare key and on the said complaint, a case in Crime No.260 of 2006 was registered on 8-10-2006 and the investigation is being taken up.

It is further stated that on a complaint filed by the 4th respondent a case in Crime No.307 of 2006 was registered for the offence punishable under Section 420 of the Indian Penal Code on 12-12-2006 and the investigation is being taken up. The allegation in the said complaint is that the petitioner took away an amount of Rs.1,50,000/- from the 4th respondent and informed that he has taken two Demand Drafts each of Rs.15,000/- in the name of PCO Net Limited, Mumbai on 27-6-2005 and promised him to get sanction of 33/11 KV Contract Licence and further alleged that the petitioner cancelled the said Demand Drafts on the evening of the same day and did not send the application of contract for sanction of licence to the addressee concerned and accordingly the petitioner cheated the 4th respondent. These two criminal cases are pending against the petitioner.

To avoid the normal course of action under the relevant Code, I am of the opinion that the petitioner approached this Court, suppressing the material facts of registration of two criminal cases against him.

In view of the facts and circumstances of the case, the writ petition is misconceived and accordingly dismissed with costs. The respondents are directed to complete the investigation by taking appropriate action against the petitioner in accordance with law.

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V.ESWARAIAH, J

Date: 5-02-2007.

Shr.